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OFFICIAL GAZETTE

GOVERNMENT OF GOA



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GOVERNMENT OF GOA

Department of Home

Home—General Division

Office of the District Magistrate,
North Goa
Magisterial Branch

Order

No. 40/01-2021-MAG/L&O/ELN/676

Under Section 144 of the Code of Criminal Procedure of 1973

Whereas, the Goa State Election Commission announced the schedule for Municipal Council Elections, Corporation of City of Panaji and Bye Election to Village Panchayats in North Goa District to be held on 20th March, 2021 and the Election Code of Conduct has come into force from 22-02-2021. The Goa State Election Commission has issued directions to ensure free, fair and peaceful elections;

And whereas there is possibility of political disputes, confrontation, violence and breach of peace on the eve of the poll mainly due to misuse of hotels, restaurants, tea shops, pan shops and other food shops/joints (Dhabas, Gaddas) etc., while carrying out door to door campaigning and due to gathering of crowd at places within the vicinity of 200 meters of the polling stations and counting centres which creates nuisance and law and order problems.

And whereas Sections 171-B and 171-C of the Indian Penal Code (IPC) clearly disallow attempts of bribery and undue influence on any person or voter and whoever commits offence of bribery is punishable under Section 171-E of IPC and whoever

commits the offence of undue influence or impersonation at an election is punishable under Section 171-F of IPC.

And whereas, I am satisfied that the circumstances do not permit the serving, in due time, of the notices individually upon the persons against whom this order is directed and therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973, I hereby pass the order ex-parte.

Now therefore, I, Ajit Roy, IAS, District Magistrate, North Goa District, in exercise of the powers vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 hereby issue following Prohibitory orders:

1. That all restaurants, bars, tea shops, pan shops, eateries and other food shops/joints (Dhabas, Gaddas) etc., situated in jurisdiction of Municipal Council areas, Corporation of City of Panaji and Bye Election to Village Panchayats of North Goa District within 200 mtrs. of the polling station from 06.00 hrs. to 21.00 hrs. on the day of poll i.e. on 20-03-2021 and from 06.00 hrs. to till end of counting of votes on 22-03-2021 at counting centres of respective Talukas in North Goa District, shall remain closed.
2. Ban any gathering or crowd comprising of more than 5 persons within 200 meters of any polling stations in the jurisdiction of Municipal Council areas, Corporation of City of Panaji and Bye Election to Village Panchayats of North Goa District on the day of Poll i.e. on 20-03-2021.

I further direct that the above restrictions shall not apply to public servants on duty and to

bonafide marriage or funeral processions or religious processions/functions.

Failure to comply with this order shall be liable for penal action under Section 188 of Indian Penal Code and other relevant provisions of laws in force.

Given under my hand and seal of this office on this 12th day of March, 2021.

Ajit Roy, IAS,
District Magistrate & MCEO,
North Goa, Panaji.

Order

No. 40/01-2021-MAG/L&O/ELN/677

**Under Section 144 of the Code of Criminal
Procedure of 1973**

Whereas, the Goa State Election Commission announced the schedule for Municipal Council Elections, Corporation of City of Panaji and Bye Election to Village Panchayats in North Goa District to be held on 20th March, 2021 and the Election Code of Conduct has come into force from 22-02-2021. The Goa State Election Commission has issued directions to ensure free, fair and peaceful elections;

And whereas Section 29(A) of Goa Excise Duty Act, 1964 empowers the District Magistrate to order the closure of the licensed premises "for the sale of liquor" within his/her jurisdiction for such period as may be necessary and appropriate for maintenance of law and order.

And whereas in my considered opinion, there is sufficient grounds for proceeding under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 for closure of all the licensed premises "for the sale of liquor" within North Goa District from 17:00 hrs. of 18-03-2021 to till 21.00 hrs. on 20-03-2021 and from 08.00 hrs. to till end of counting of votes on 22-03-2021, in view of Municipal Council Elections, Corporation of City of Panaji and Bye Election to Village Panchayats in North Goa District;

And whereas, I am satisfied that the circumstances do not permit the serving, in due time, of the notices individually upon the persons against whom this order is directed and therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973, I hereby pass the order ex-parte.

Now therefore, I, Ajit Roy, IAS, District Magistrate, North Goa District, in exercise of the power vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 read with Section 29A of the Goa Excise Duty Act, 1964 do hereby order that all the licensed premises "for the sale of liquor" in jurisdiction of Municipal Council areas, Corporation of City of Panaji and Bye Election to Village Panchayats of North Goa District shall remain closed from "17:00 hrs. of 18-03-2021 to till 21.00 hrs. on 20-03-2021 and from 08.00 hrs. to till end of counting of votes on 22-03-2021, in view of polling and counting of votes for Municipal Council Elections, Corporation of City of Panaji and Bye Election to Village Panchayats in North Goa District.

Further, the licensed premises having license for bar and restaurant are allowed to keep the restaurant open for serving food only and the bar counter shall be closed and no liquor shall be allowed to be served on the above mentioned days and time. The owners of the licensed premises having bar and restaurant shall display a board in the premises stating that no liquor will be served on the said days and time and that only the restaurant is open for serving food.

Failure to comply with this order shall result in the cancellation of licences and the owner or offender shall be liable for penal action under Section 188 of Indian Penal Code, Section 30 of the Excise Duty Act, 1964 and other relevant provisions of laws in force.

Given under my hand and seal of this office, this 12th day of March, 2021.

Ajit Roy, IAS,
District Magistrate & MCEO,
North Goa, Panaji.

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